

REMARKS

I. Introduction.

Claims 1 and 3-15 are pending and stand rejected. The Amendment dated September 18, 2003 was objected to under 35 U.S.C. Section 132 because it was said to introduce new matter into the disclosure of the invention. Claims 1-15 were previously subjected to two rejections under 35 U.S.C. Section 102(b), and two rejections under 35 U.S.C. Section 103(a). The Office Action states that these rejections have been withdrawn for the present, but would be reinstated upon the cancellation of the "new matter".

II. The Objection Under 35 U.S.C. Section 132.

The Amendment dated September 18, 2003 was objected to under 35 U.S.C. Section 132 because it was said to introduce new matter into the disclosure of the invention because the phrase "in the absence of water" was said to not be found in the specification. The Applicants have cancelled the language from Claim 1 that was the basis for the rejection. The Applicants, however, expressly do not admit that the language in issue constitutes new matter.

The Applicants believe that the specification does provide a basis for this language for at least some embodiments. For example, page 5, lines 20-21, state that "[i]n a preferred embodiment according to the present invention, the solid composition herein is substantially anhydrous, preferably anhydrous." In addition, page 6, lines 1-5, state that "[i]n yet another preferred embodiment according to the present invention, the solid composition herein is stored under conditions that substantially prevent or even completely prevent the contact of the composition with any kind of moisture, preferably water." Notwithstanding the removal of this language, the Applicants submit that for the reasons stated below, the rejections should still be withdrawn.

III. The 35 U.S.C. Section 102(b) Rejections.

A. The Rejection Under Yurko.

Claims 1-15 were rejected under 35 U.S.C. Section 102(b) as purportedly being anticipated by U.S. Patent 4,064,062 issued to Yurko.

The Yurko reference is directed to a stabilized and activated percompound bleaching composition. The compositions contain a percompound and an activator for it that are stabilized by being mechanically mixed in a particulate state with molecular sieve zeolite and a higher fatty acid, both of which are also in powder form. The zeolite is, thus, used as a stabilizer.

The Applicants respectfully request that this rejection be reconsidered and withdrawn. The Yurko reference, among other things, only teaches or discloses the use of zeolites to stabilize an activated percompound bleaching composition to prevent premature decomposition of the same. The Yurko reference does not teach or disclose the claimed method. The Yurko reference does not teach or disclose a process comprising contacting a carpet, upholstery, rug, or curtain with a composition comprising an activated zeolite wherein the activated zeolite removes at least one of the following from said fabric: at least a portion of a spot, at least a portion of a stain, or at least some malodors.

B. The Rejection Under Pan, et al.

Claims 1-15 were rejected under 35 U.S.C. Section 102(b) as purportedly being anticipated by U.S. Patent 5,691,303 issued to Pan, et al.

The Pan, et al. reference is directed to a perfume delivery system for a detergent which contains zeolite particles that incorporate perfume into the pores of the particles for delivery onto fabrics from an aqueous bath. The Pan, et al. reference does not teach or disclose the claimed method. The Pan reference does not teach or disclose a process comprising contacting a carpet, upholstery, rug, or curtain with a composition comprising an activated zeolite wherein the activated zeolite removes at least one of the following from said fabric: at least a portion of a spot, at least a portion of a stain, or at least some malodors.

III. The 35 U.S.C. Section 103(a) Rejections.

A. The Rejection Over Costa, et al.

Claims 1-15 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Statutory Invention Registration H1468 published in the name of Costa, et al.

The Costa, et al. discloses detergent compositions containing cellulase enzyme and selected perfumes for improved odor and stability. The main object of the Costa, et al. disclosure is to reduce the malodors associated with detergent enzymes. Zeolites are used in the Costa, et al. detergent compositions as detergency builders to assist in controlling mineral hardness and in the removal of particulate soils.

The Applicants respectfully request that this rejection be reconsidered and withdrawn. The claimed method would not have been obvious to a person of ordinary skill in the art in view of the Costa, et al. reference. The Costa, et al. reference teaches a laundering process. The Costa, et al. reference does not teach or disclose a process comprising contacting a carpet, upholstery, rug, or curtain with a composition comprising an activated zeolite wherein the activated zeolite removes at

least one of the following from said fabric: at least a portion of a spot, at least a portion of a stain, or at least some malodors.

B. The Rejection Over Calton, et al.

Claims 1-15 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent 6,068,665 issued to Calton, et al.

U.S. Patent 6,068,665 issued to Calton is directed to methods and compositions for removing stains from textile fabrics and fibers including carpets. The method involves mixtures of zeolites and imides. The Office Action states that Calton teaches the removal of carpet stains by misting a carpet with water and then adding a composition comprising zeolite, and letting it stand until dry, and vacuuming it. The Office Action states that it would have been obvious to the skilled artisan that the process of applying water and zeolite to carpet to remove a stain used by Calton is an exothermal or heat generating process.

The Applicants respectfully request that this rejection be reconsidered and withdrawn. The claimed method would not have been obvious to a person of ordinary skill in the art in view of the Calton, et al. reference.

C. The Rejection Over Gioffre, et al.

Claims 1-15 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent 4,592,855 issued to Gioffre, et al.

U.S. Patent 4,592,855 issued to Gioffre, et al. is directed to compositions having an effervescence and cleansing action. The technology described in the Gioffre, et al. reference is said to provide a novel way to provide effervescence to anhydrous compositions when such compositions are contacted with water. The effervescent compositions are formed of an inorganic oxide material such as microporous molecular sieves having sufficient adsorbed gas such that when contained in an essentially anhydrous composition that is contacted with water that a release of the adsorbed gas occurs to provide an effervescent effect. The Office Action states that the active ingredient in these compositions is a dehydrated zeolite, and that the compositions are suitable for use in carpet cleaning compositions and stain removal compositions.


The Applicants respectfully request that this rejection be reconsidered and withdrawn. The claimed method would not have been obvious to a person of ordinary skill in the art in view of the Gioffre, et al. reference.

V. Summary.

The 35 U.S.C. Section 102 and 103 rejections have been addressed. In view of the foregoing, a Notice of Allowance is respectfully requested.

Respectfully submitted,

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